

REMARKS

Claims 1-5, 7-18 and 20-46 are pending in the application, claims 31-46 being new.

Allowable Claims

The Applicants thank the Examiner for the indication that claims 8-10 and 20-22 are allowed.

Informalities in Claims 11 and 14

In the Office Action, claims 11 and 14 were objected to because of noted informalities. Claims 11 and 14 have been carefully reviewed, and are amended herein in conformance with the Examiner's helpful suggestions. It is respectfully requested that the objection now be withdrawn.

Claims 1-5, 7, 11-18 and 23-30 over Vaisanen and Lindenmeier

Claims 1-5, 7, 11-18 and 23-30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,560,443 to Vaisanen et al. ("Vaisanen") in view of U.S. Pat. No. 4,876,743 to Lindenmeier et al. ("Lindenmeier"). The Applicants respectfully traverse the rejection.

Claims 1-5, 7, 11-18 and 23-30 recite, *inter alia*, a system and method time multiplexing transmissions from a **first** radio system and a **second** radio system based on a timing of a synchronous connection-oriented (SCO) connection of said first radio system.

The Examiner agrees that Vaisanen fails to disclose a multiplexer for time multiplexing transmissions from a first radio system and a second radio system (Office Action, page 3). The Examiner goes on to allege that the simple **SWITCH** SW2 shown in Fig. 1 of Vaisanen *implicitly* acts to time multiplex transmissions. (emphasis added)

It is respectfully submitted that a switch does not make a TIME MULTIPLEX SYSTEM.

The Examiner's 'implicit' argument is an improper use of inherency in a section 103 rejection. The use of **inherency** at all is entirely **improper** with respect to a section 103 rejection. As has been well established in Patent Law, the concept of inherency (the same theory as 'implicit' features alleged by the Examiner in the instant case) has no place in determinations of obviousness under section 103, as opposed to anticipation under section 102, because 'it confuses anticipation by inherency, i.e., lack of novelty, with obviousness, which, though anticipation is the epitome of obviousness, are separate and distinct concepts.' Jones v. Hardy, 727 F.2nd 1524, 1529, 220 USPQ 1021, 1025 (Fed. Cir. 1984); See also In re Grasselli, 713 F.2nd 731, 739, 218 USPQ 769, 775-76 (Fed. Cir. 1983)

The foundation for the section 103 rejection of claims 1-5, 7, 11-18 and 23-30 being improperly based on an allegedly implicit/inherent feature of Vaisanen, it is respectfully requested that the improper rejection be withdrawn on this basis alone.

Nevertheless, to further emphasize this distinction between the present invention and the cited art, claims 1-5, 7, 11-18 and 23-30 are amended herein to further recite that the time multiplexing transmissions is based on a timing of a synchronous connection-oriented (SCO) connection of a first radio system.

Vaisanen and Lindenmeier, even in theoretical combination, at best teach use of a SWITCH-nothing more. Neither Vaisanen nor Lindenmeier, either alone or in combination, disclose, teach or suggest operation of the switch based on a timing of a synchronous connection-oriented (SCO) connection of a first radio system, as claimed by claims 1-5, 7, 11-18 and 23-30.

Accordingly, for these and other reasons, claims 1-5, 7, 11-18 and 23-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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